

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-9 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 4, and 7 are independent claims; the remaining claims are dependent claims.

Applicants previously submitted an Amendment After Final in which independent claims 1, 4, and 7 were amended to address the outstanding Section 101 rejection -- the sole issue in this case. An Advisory Action issued in which the Examiner maintained the Section 101 rejection. In this Second Amendment After Final, Claims 4-6 have been rewritten and Claims 1-3 and 7-9 have been cancelled. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Applicants are not conceding in this application the claims amended and cancelled herein are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Rejection of claims 1-9 under 35 U.S.C. § 101:

The only issue presented in the outstanding Office Action is that Claims 1-9 stand rejected as being directed to non-statutory subject matter under 35 U.S.C. § 101. Claims 4-6 remain in the application and have been rewritten; Claims 1-3 and 7-9 are cancelled herein.

With regards to statutory subject matter under Section 101, Applicants respectfully submit that in order to qualify as statutory subject matter a claimed invention need only accomplish a practical application by producing a useful, tangible, and concrete result. MPEP § 2106(II)(A).

Applicants respectfully submit that new claim 10 submitted herewith meets the requirements for statutory subject matter under 35 U.S.C. § 101. Independent Claim 4, has been written to recite, *inter alia*, the following limitations: "A system comprising, a processor, a memory storing code accessible by the processor to . . . , [and] whereby said system is capable of calculating a reciprocal square root of a number."

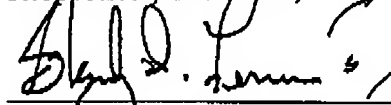
Support for claim 10 can be found in the Specification at pages 11-12. The Specification states that the claimed operation/arrangement may be implemented on a general-purpose computer. It is well known to those of ordinary skill in the art that general-purpose computers contain memory that stores the results of all computer-based operations at least temporarily. Applicants respectfully submit that new claim 10 does not constitute new subject matter.

Applicants respectfully submit that the current invention, as claimed, amounts to more than just an algorithm or the manipulation of abstract ideas. This is so because while utilizing algorithms the claimed invention produces results that are useful, concrete and tangible the claimed invention results in a "system . . . capable of calculating a reciprocal square root of a number." Further the system is comprised of the tangible elements of a processor and a memory storing code. That the current invention operates via the input of data or information and results in the output of data or information is of no moment.

For the reasons set forth above Applicants respectfully submit that the current invention, as claimed, meets the requirements for eligible subject matter under Section 101.

In summary, it is respectfully submitted that the instant application, including Claims 4-6, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Stanley D. Ference III
Registration No. 33,879

Customer No. 35195
FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400
(412) 741-9292 - Facsimile

Attorneys for Applicants